

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DIANE L. MOESCH, R.N.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003384

Division of Legal Services and Compliance Case No. 14 NUR 075

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Diane L. Moesch, R.N.
835 East Randall
Shawano, WI 54166

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Diane L. Moesch, R.N., (dob January 18, 1964) is licensed in the State of Wisconsin as a professional nurse, having license number 108084-30, first issued on September 5, 1991. Respondent's license expired on February 28, 2014, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 27, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 835 East Randall, Shawano, Wisconsin 54166.

2. On October 4, 2007, Respondent's Wisconsin professional nursing license was indefinitely suspended for diversion and opioid dependence in Division of Enforcement case

number 07 NUR 181. The order also limited Respondent's license by requiring her to submit treatment reports, attend AA/NA, submit AA/NA reports, maintain complete sobriety, enroll in an approved program for random alcohol and drug testing, call in to the approved program daily and report for testing when required, submit work reports and submit self reports.

3. On October 24, 2008, Respondent was granted a stay of suspension.

4. On January 17, 2014, the stay of suspension was removed due to non-compliance with the remaining terms of the 2007 order; including: failure to submit treatment reports, failure to submit AA/NA reports, failure to maintain absolute sobriety, failure to call in to the approved program on 47 occasions, failure to report for random drug testing on 23 occasions, failure to submit work reports and failure to submit self reports. Respondent's license to practice professional nursing was suspended.

5. On January 27, 2014, at 1254, Respondent emailed the Department Monitor confirming receipt of the order suspending her license.

6. On January 27, 2014, Respondent worked from 1500 to 2300, while suspended.

7. On January 28, 2014, Respondent worked her normal shift, while suspended.

8. On January 29, 2014, Respondent informed her employer that her license was suspended as for January 17, 2014.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Diane L. Moesch, R.N., engaged in unprofessional conduct as defined in Wis. Admin. Code § N 7.04(14), by violating a term, provision or condition of any order of the Board.

3. As a result of the above conduct, Diane L. Moesch, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. The license of Diane L. Moesch, R.N., (license number 108084-30), to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are **SUSPENDED** for sixty (60) days from the date of this Order.

3. Pursuant to Uniform Nurse Licensure Compact regulations, Respondent's nursing practice is limited to Wisconsin during the pendency of this limitation. This requirement may be waived only upon the prior written authorization of both the Wisconsin Board of Nursing and the regulatory board in the state in which Respondent proposes to practice.

4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$425.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

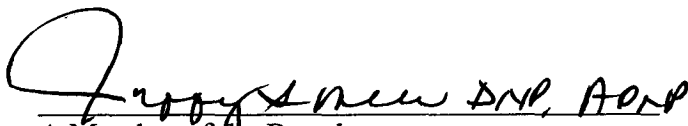
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (no. 108084-30) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

7. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by:


A Member of the Board

9-11-14
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DIANE L. MOESCH, R.N.,
RESPONDENT.

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STIPULATION

0003384

Division of Legal Services and Compliance Case No. 14 NUR 075

Respondent Diane L. Moesch, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Diane L. Moesch

Diane L. Moesch, R.N., Respondent
835 East Randall
Shawano, WI 54166
License no. 108084-30

8.3.14

Date

Amanda L. Florek

Amanda L. Florek, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190

8/12/14

Date